

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ALBERT J. VALENTUKONIS, :

Plaintiff :

vs. :

CIVIL NO. 1:CV-06-0922

JEFF RHONE, Police Chief, :  
et al., :

Defendants :

**FILED**  
HARRISBURG, PA

OCT 13 2006

ORDER

MARY E. D'ANDREA, CLERK  
Per.  Deputy Clerk

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

We are considering the report of the Magistrate Judge which recommends that we dismiss the Plaintiff's complaint for failing to comply with a court order requiring Plaintiff to amend his complaint to properly state a cause of action under 42 U.S.C. § 1983.

On May 4, 2006, Plaintiff filed a civil rights action pursuant to 42 U.S.C. § 1983. On May 24, 2006, the Magistrate Judge, having reviewed the complaint, ordered Plaintiff to amend the complaint to properly plead a § 1983 claim and meet the requirements of the Federal Rules of Civil Procedure. Within this order, the Magistrate Judge detailed the necessary steps to properly state a cause of action under § 1983 and comply with the Federal Rules of Civil Procedure. The order also notified Plaintiff that his failure to file an amended complaint within

thirty days or comply with the procedures identified in the order would result in a recommendation of dismissal. Plaintiff has not filed an amended complaint.

On September 11, 2006, the Magistrate Judge filed a report recommending that Plaintiff's complaint be dismissed for failing to comply with the May 24, 2006, order. Plaintiff did not file any objections to the Magistrate's report and recommendation. We will adopt the Magistrate's report and dismiss Plaintiff's complaint.

As noted by the Magistrate Judge's May 24, 2006, order, Plaintiff's complaint named three Defendants but only set forth allegations against Defendant Rhone. The allegations against Rhone pertained to his decision to activate an emergency response team during the course of a police response to a complaint involving Plaintiff. Plaintiff's complaint did not allege a violation of his constitutional rights and did not allege conduct on the part of any of the defendants that led to a violation of his rights.

The Magistrate Judge specifically addressed these deficiencies in the May 24, 2006, Order and allowed the Plaintiff thirty days to correct them. The order instructed Plaintiff, among other things, to "include appropriate allegations of the defendant(s) personal involvement" and "specifically state which constitutional right he alleges the defendant(s) have violated." (doc. 8, p. 2) Plaintiff has not

filed an amended complaint, nor did he file a motion for enlargement of time to do so. Additionally, Plaintiff did not object to the Magistrate's report and recommendation that we dismiss this case. Due to Plaintiff's failure, over the course of four months, to amend his complaint to address the deficiencies in stating the § 1983 claim, we will dismiss his complaint.

AND NOW, this 13th day of October, 2006, upon consideration of the report (doc. 12) of the magistrate judge, filed September 11, 2006, to which no objections were filed, and upon independent review of the record, it is ordered that:

1. The magistrate judge's report is adopted.
2. Plaintiff's complaint is dismissed.
3. The Clerk of Court shall close this file.

/s/William W. Caldwell  
William W. Caldwell  
United States District Judge